



SIGNED THIS 12th day of August, 2019

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**



Rebecca B. Connelly
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

In Re: Clifford Arnold Swain and Renae Celeste Swain Case No. 15-60929
Chapter 13

US BANK TRUST NATIONAL
ASSOCIATION AS TRUSTEE OF
CABANA SERIES III TRUST, Movant

vs.

Renae Celeste Swain
aka Renae C. Swain, Debtor
Clifford Arnold Swain
aka Clifford A. Swain, Debtor
Herbert L. Beskin (82), Trustee
Respondent(s)

**ORDER TERMINATING AUTOMATIC STAY
CONSENT AS TO TRUSTEE
CONSENT AS TO DEBTORS**

Real Property at 3985 Diamond Hill Road, Moneta, Virginia 24121

Upon consideration of the Motion for Relief from Stay filed by the Movant, US BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF CABANA SERIES III TRUST, and the Trustee having consented to the relief requested and the Debtor having consented to the relief requested and for good cause shown and no opposition having been filed by the respondents, it is

ORDERED, that the stay of 11 U.S.C. Section 362(a) is modified subject to the conditions of this order to permit the Movant to enforce the lien of its deed of trust as it pertains to the real property under the Deed of Trust dated May 9, 2014, and recorded among the land records of COUNTY OF SPOTSYLVANIA, Virginia, and secured by the real property of the Debtor at **3985 Diamond Hill Road, Moneta, Virginia 24121** and described as follows:

SCHEDULE A

**Clifford A. Swain
Rena C. Swain**

TAX MAP/PARCEL NO. 

That parcel of land, lying in Lakes Magisterial District, Bedford County, Virginia, and containing 1.001 acres and shown as Lot 3 on a plat of Chaparral Estates Subdivision, Section 1, by Douglas R. Meredith, Jr., L.S., of L.M.W., P.C., dated August 1, 2002 and recorded in the Bedford County Circuit Court Clerk's office in Plat Book 42 at page 255.

BEING the same parcel the grantors acquired from D. G. Adams Builders, Inc., by deed dated October 8, 2003 and recorded in the said Clerk's office immediately prior to this deed of trust.

ORDERED, that, the Debtor, on or before **September 30, 2019**, shall obtain a contract for sale of the Property, file a subsequent Motion to Authorize sale of the Property; and close on the sale of the Property and disburse a full payoff to the Movant of the debt owed.

ORDERED, that in the event that the Property is not sold as provided herein on or before **September 30, 2019** the termination of the automatic stay of 11 U.S.C. Section 362(a) shall be effective on the **October 1, 2019**, and that after **October 1, 2019**, the Movant may commence or resume foreclosure proceedings, under the terms and provisions of the Note and Deed of Trust referenced above.

ORDERED, that the Movant, at its option, is permitted to contact the Debtor via telephone or written correspondence regarding potential loss mitigation options pursuant to applicable non-bankruptcy law, including loan modifications, deeds in lieu of foreclosure, short

sales and/or absolve the Debtor of the duty to file any necessary pleadings, amendments, or plan modifications that may be required with regard to such a loan modification.

ORDERED, should relief be granted by the court, upon entry of the order granting relief from automatic stay of 11 U.S.C. §362, the Trustee will immediately cease making payments on the Movant's secured claim which were required by the plan. Any amended unsecured claim for a deficiency (which claim must include documents proving that it has liquidated its collateral and applied the proceeds of sale in accordance with the applicable state law) must be filed by the Movant within 180 days from the date on which the order lifting stay is entered, or such claim against the bankruptcy estate shall be forever barred.

****End of Order****

I ask for this:

/s/ Dinh Ngo, Esq.
Dinh Ngo, Esq.
McCabe, Weisberg & Conway, LLC
312 Marshall Avenue, #800
Laurel, MD 20707
VSB #85661
301.490.1196
Attorney for Movant

Seen and Consented to:

/s/ Michael Dean Hart
Michael Dean Hart
Michael D. Hart, PC
P.O. Box 622
ROANOKE, VA 24004
Attorney for Debtors

(by Dinh Ngo, Esq. with permission from
Michael Dean Hart based on FAX/email)

X /s/ Dinh Ngo

/s/ Herbert L. Beskin
Herbert L. Beskin (82)
P.O. Box 2103
Charlottesville, Virginia 22902
Trustee

(by Dinh Ngo, Esq. with permission from RC Johnson for
Herbert L. Beskin (82) based on FAX/email)

X /s/ Dinh Ngo

Certification

I hereby certify that upon entry of the foregoing order copies will be mailed first class postage pre-paid to the following:

Renaë Celeste Swain
104 McAliff Lane
Apt 3B
Moneta, Virginia 24121
(Via U.S Mail)

Clifford Arnold Swain
3985 Diamond Hill Road
Moneta, Virginia 24121
(Via U.S Mail)

Copies will be sent electronically via the CM/ECF system to Michael Dean Hart, Attorney for Debtor and Herbert L. Beskin (82), Trustee.

/s/ Dinh Ngo, Esq.